

STAFFORD COUNTY PLANNING COMMISSION

February 3, 2010

The meeting of the Stafford County Planning Commission of Wednesday, February 3, 2010, was called to order at 6:30 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Roberts, Stinnette and Stepowany

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification from anyone for any of the business for this evening? Okay, hearing none we will move right into the Unfinished Business. Before we do that, though, I do want to remind anyone here from the public that we have, not moved, but we will keep the 7:30 p.m. slot open for public presentations; there are no public hearings scheduled tonight. So, those of you who wish to speak before the Planning Commission at 7:30 p.m., we will stop whatever we are working on and allow members of the public to come forward and address the Planning Commission. So, the first item then on the Unfinished Business is on the Southgate Hills Preliminary Subdivision Plan and Mr. Stepowany, you have an update for us on that?

UNFINISHED BUSINESS

1. SUB2900164; Southgate Hills - Preliminary Subdivision Plan - A preliminary cluster subdivision plan with 24 duplex units on 12 lots, zoned R-1, Suburban Residential, consisting of 10.93 acres located at the end of Port View Drive of the Southgate Subdivision, approximately 1,900 feet from the Cambridge Street entrance to the Southgate Subdivision and 2,400 feet from the Truslow Road entrance to the Southgate Subdivision on Assessor's Parcel 45-163 within the Hartwood Election District (REF Cluster SUB2900120). **(Time Limit: April 15, 2010) (History - Deferred at January 20, 2010 Meeting to February 3, 2010 Meeting)**

Mr. Stepowany: Thank you Mr. Chairman and members of the Planning Commission. Southgate Hills Preliminary Subdivision was deferred from the last Planning Commission meeting to tonight with a couple questions for staff to research and provide answers to. There was a question as to how far it was from Bayside Drive of Southgate subdivision to Valiant Court of Southgate Hills and the total distance between the centerline of both streets is 890 feet. We were asked to provide an example of a subdivision in which the length of the block was calculated by one intersecting street rather than a four-way intersection. We provided a plan combining Southgate and Southgate Hills for the purpose of that discussion. And, if the Planning Commission wishes, I will refer to that to Mr. Harvey to explain why those two subdivisions were proposed and to continue the discussion if the Planning Commission would like.

Mr. Howard: Sure, you can explain that.

Mr. Stepowany: Okay. Computer please.

Planning Commission Minutes
February 3, 2010

Mr. Harvey: Mr. Chairman and Commissioners, the diagram you see before you is depicting the area highlighted in blue as the preliminary subdivision plan we are currently considering tonight. The remainder of the area is the already approved preliminary subdivision plan for Southgate itself. There have been recent questions about block length and cul-de-sac length, specifically questions about how it is measured and how the staff has interpreted it over time. And these are long-standing issues that have been interpreted even before I was Planning Director, and I just wanted to show you some examples to highlight some of the discussion because at the last meeting there were some questions have we ever had these types of situations before. In looking at the original Southgate project, we have a street here which kind of describes a similar situation with what we have here with Southgate Hills in that you have a single length of street with one street intersecting it. And from the staff's perspective, the way we've looked at the issue is the block is measured from this point here to where we have one intersecting street. The length of the cul-de-sac we measured from where you have an intersecting street to the bulb of the cul-de-sac; that is how staff has interpreted the ordinance to this point in time.

Mr. Howard: Thank you Mr. Harvey. And that was the question, I know, from the subdivision ordinance when the question was asked.

Mr. Harvey: Yes. Mr. Stepowany has some additional information regarding background memos and whatnot so I will turn it back over to him.

Mr. Stepowany: Okay, thank you.

Ms. Kirkman: Excuse me, Mr. Chair?

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: I do have a question for Mr. Harvey regarding staff's interpretation of what a block is.

Mr. Howard: Sure.

Ms. Kirkman: Mr. Harvey, the definition in the Subdivision Ordinance, or Zoning, I can't remember which section it is, clearly refers to an area that's bounded. What you showed us is how the street is measured. In the example you give, what is the area that is bounded?

Mr. Harvey: That's one issue that needs to be fixed in our Ordinance because if you take that by its literal interpretation, the only way you would have a block is if you had essentially a square or a rectangle; if it's formed by streets. In this particular case, we don't have that situation so technically it's not a block. But from an administrative standpoint, we've looked at trying to define the blocks based on length of street and where it intersects with other streets. And that's how it's been done for a number of years.

Ms. Kirkman: Well, actually, the definition in the ordinance does not limit the boundaries to street boundaries. It also mentions other types of boundaries such as railroads, that sort of thing, creeks, based on the part about boundaries that prohibit further development would also include parcel lot lines. So, I'm not sure why staff has not interpreted, literally, given that the definition is very clearly about area and not about street length.

Mr. Harvey: Again, that's a longstanding interpretation that we've had, like I said, since before I was Planning Director. That is an area where we need to consider amending the Code to make it more

Planning Commission Minutes
February 3, 2010

clear so what is really meant by determining a block. Are we talking about the physical arrangement of streets into squares and rectangles like you would see in a city situation? Or are we just referring to the length of the street, because there are some planning considerations with the length of the street and whether it ties into other streets as far as utility infrastructure and also public safety concerns.

Mr. Howard: So, Mr. Harvey, one of the questions to follow-up with what Ms. Kirkman is asking, you were asked to give other examples other than... do you have an example other than the Southgate Hills subdivision plan that was approved, the portion of the plan that was approved? Were there other examples that we've done this in the past in terms of how we measured this?

Mr. Harvey: Staff has not created an extensive list. We saw this as a ready example right next door to this project and actually this project is an extension of that one. So we were using that as an example of how we've dealt with this in the past. But we certainly can pull more plans if the Commission wants us to.

Mr. Howard: Well, certainly it's relevant to this plan because it's an extension of that existing approved plan. So I understand why staff would use that as an example of how a block length was calculated. I'm not sure if I need any other ones but I certainly would open it up to the rest of the Planning Commissioners if they have that desire to understand this a little bit better.

Ms. Kirkman: Mr. Chair? So, just to make sure I understand this correctly, using the literal interpretation of our definition in the ordinance, the example you gave would not be in compliance with the ordinance. But using the long-standing practice of how staff has interpreted the ordinance, by using street lengths it does meet the ordinance. Is that correct?

Mr. Harvey: I'm not certain... yes. But the one question I would leave is to whether even the block definition applies because, again, looking at the configuration of the properties, whether we have the right combination of open areas and street configuration to designate a block.

Mr. Fields: Mr. Chair, it sounds like we need to look at block and how it's defined. It sounds like we have some housekeeping to do on that. That seems to be somewhat ambiguous. Would you agree, Mr. Harvey, that it wouldn't hurt us to maybe go back and look at what we mean by block and how we are using it?

Mr. Harvey: Yes sir. Staff has been following through with what we've discussed with the Commission probably about a year ago and that we have been working internally on a rewrite of the Subdivision Ordinance and that was one of the areas we focused on. We are close to being ready to present it to the Commission to start the discussion purposes; we probably need another couple months internally. We've gone through an initial draft with the attorney's office and some of our staff, but we need to pull it back out to other departments for them to review where we are in relation to their areas of expertise. And then at that point in time we can send it back to the Commission. So, right now I'm thinking probably the end of March, beginning of April and we would be ready to address that concern and the whole Subdivision Ordinance.

Mr. Fields: Okay. I think it's good and I understand how you end up having to interpret these, and that's fine. I think, as much as possible, what's in the code should be fairly accessible and fairly transparent to like the average citizen attempting to navigate their way through it. I'm not saying that you are doing anything wrong but I think you guys share the same concern. Obviously, the code should be fairly self-evident to most people rather than having to rely on knowing that there is a certain

Planning Commission Minutes
February 3, 2010

level of practice and interpretation. I mean, that's okay if you're a professional in the field and you work with that all the time. I think it's helpful if every citizen could kind of look at block and come up with pretty close to the same idea. And I know you agree, so I am just saying. But I appreciate your work on that; I know it will be good to resolve that.

Mr. Harvey: And if the Commission would like, we can forward what we've done for that particular area for future discussion in advance of the whole Subdivision Ordinance coming forward.

Mr. Fields: Well, personally I would because it's fresh on our minds and that's always a good time. When it doesn't take more than a couple weeks then suddenly I forget what we were talking about. So that would be helpful to me.

Mr. Howard: So, Mr. Harvey, your answer on having the Subdivision Ordinance ready for review in April, is that the entire subdivision rewrite or is that in particular just on this one segment of that ordinance that we are discussing?

Mr. Harvey: I was referring to the entire rewrite. Start the discussion with the Commission in review but we could present what we've developed with that rewrite and pull out those segments and get them to you for discussion for your March 3rd meeting.

Mr. Howard: That's fine. It gives everyone a chance to review that. Mr. Rhodes.

Mr. Rhodes: Mr. Harvey, does that segment not need that external... you were talking about the need to go back out to other departments and areas for external review as well. Has this one already been through that?

Mr. Harvey: No. We were taking the Subdivision Ordinance in its entirety. There may be some questions or comments from other agencies about the length we've designated in the Ordinance, whether it's still appropriate or not.

Mr. Rhodes: So, I think it would be fine but when you would share this with us, it would be with the caveat that you've still got your external coordination to go to see what other comments they make, second or third order affects others might have.

Mr. Harvey: Sure. And in the meantime, we can see if we can get some specific comments on those individual areas between now and March 3rd.

Mr. Rhodes: Okay; thank you Mr. Harvey; thank you Mr. Chairman.

Mr. Howard: So you would include that in the package for the March 3rd meeting?

Mr. Harvey: Yes.

Mr. Howard: That would be great, thank you. Mr. Stepowany, back to you. You were going to share some I think it was letters or some other information.

Mr. Stepowany: Right. The Planning Commission requested a copy of the letter that Bowman Consulting submitted to staff in response to how revisions to this plan, or changes to this plan, met the sections of the Ordinance that was the basis for the denial of the previous application. And that's the

Planning Commission Minutes
February 3, 2010

Bowman Consulting dated September 24, 2009; it was addressed to me. And that was included in the staff report on how they addressed that. If the Planning Commission has any questions, I will try to answer them and Mr. Troidl, who prepared the letter, is also here to answer any questions that the Planning Commission may have on the letter also.

Mr. Howard: Thank you Mr. Stepowany. I will defer to Mr. Rhodes first since I think... is this in...

Mr. Rhodes: No, this one is in Hartwood.

Mr. Howard: I'm sorry, Mrs. Hazard. I will refer to Mrs. Hazard if there are any questions that she would like to bring forward and have answered or, at least, provide some clarity. Mrs. Hazard?

Mrs. Hazard: Yes, I would. Mr. Stepowany, we had talked about going back to our lengths in feet. Even under the 1,200 foot ordinance, wouldn't that meet this in this particular section when we combine that 240 linear feet and the 890? Wouldn't we be within either interpretation?

Mr. Stepowany: The discussion that was brought up by the Planning Commission where you had to count the whole, that would...

Mrs. Hazard: It would still meet it.

Mr. Stepowany: Correct.

Mrs. Hazard: Correct. Okay, I just wanted to clarify that for me that under either interpretation, in this instance, not saying we shouldn't get more clarification in the future, but it appears that this meets it under either interpretation. And just the letter seems to indicate that the applicant came back and complied with everything that staff and others had identified, is that correct?

Mr. Stepowany: That's correct.

Mrs. Hazard: Thank you.

Mr. Howard: Thank you Mrs. Hazard. Any other questions from... yes Mr. Fields.

Mr. Fields: Jamie, help me out with this. I just may not be understanding this properly. We have, in the letter from Bowman Consulting, we have "the usable open space does not contain slopes over fifteen percent" but over here on Attachment 3 where we are looking at the slopes greater than thirty-five even; it looks like there are. Does this mean all of that is going to be graded to fifteen percent in the final plan?

Mr. Stepowany: I would refer that to Mr. Troidl.

Mr. Fields: Okay. I can see how the lots.. I understand, I am sure the lots will have to be graded considerably since all of lot 6 looks like it's a greater than thirty-five percent slope, according to this. I didn't realize that they were going to grade out the whole open space area too, as well. Which, it looks from this indication, that statement, combined with this indication seems to... do you understand where my confusion is? They seem to be saying two slightly different things.

Planning Commission Minutes
February 3, 2010

Mr. Stepowany: On sheet 3, if you refer to the overall useable open space exhibit, I do not think that there is any slope greater than fifteen percent in that table of the shaded area, but we can refer that to the engineer, if that's the case.

Mr. Fields: Okay.

Ms. Kirkman: Mr. Chair, I have a related question. So, Jamie, what in this plan is included as open space? Is the RPA included as open space as well?

Mr. Stepowany: Yes.

Ms. Kirkman: And is that being used to meet the open space requirement?

Mr. Stepowany: The only open space requirement is the useable open space. There are 7.87 acres of open space for the whole site. That means any area that doesn't include lots and streets, that's the open space area. Within the 7.87 acres, 1.89 acres is deemed as a useable open space and that is per the requirements of the Parks and Recreation guidelines.

Ms. Kirkman: What's the 1.89 that's the useable open space? Where is that on this plan?

Mr. Stepowany: On sheet 3 on the bottom right-hand...

Ms. Kirkman: So, it's not distinguished on this piece with the steep slopes on it?

Mr. Stepowany: No. And actually in the middle on the top, it's going to show you where the 7.87 open space is for the whole property and where the useable open space is.

Mr. Howard: So, is it delineated anywhere where we can see where that 1.89 acres?

Mr. Stepowany: It's on sheet 3 of the plan.

Mr. Fields: My confusion is from the useable open versus open space.

Mr. Stepowany: Correct.

Ms. Kirkman: Mr. Harvey, I thought we had something somewhere in one of our ordinances, maybe in Sediment and Erosion Control, about building on slopes exceeding thirty-five percent?

Mr. Harvey: Ms. Kirkman and Mr. Chairman, that is located in the allocated density provisions in the Zoning Ordinance for determining the number of lots that you can yield on a tract of land. So, you would subtract out wetlands, floodplains and steep slopes in excess of thirty-five percent to determine how many lots that you can potentially yield with your project. But our current Ordinance does not restrict development on those features.

Ms. Kirkman: Then why did we exclude them from the buildable area?

Mr. Harvey: That's been somewhat of an issue with our Ordinance. When we started the process of developing our Zoning Ordinance, it initiated in 1988 and there's a long story to it, but we started off with a performance-based ordinance and then it got modified to become more of a standard Euclidian

Planning Commission Minutes
February 3, 2010

type ordinance. So there are some areas where we had performance-based things but didn't complete the loop because they took some of those things out. So, initially when this was developed, we had the requirement that those thirty-five percent slopes and those types of features could not be developed. But, on the other hand, the developer could get added density or added features in order to not develop on those properties, if they did a cluster subdivision. So, those provisions were not adopted in the Ordinance. The way it's written now, it's basically just used for density calculation purposes only.

Ms. Kirkman: So, the original intent was that slopes greater than thirty-five percent would not be built on, that's why they were excluded from the buildable area. Yet the way our Ordinance is structured, they can build on slopes greater than thirty-five percent.

Mr. Harvey: That's correct.

Ms. Kirkman: Okay. Thanks.

Mr. Fields: Mr. Chairman, a little bit of information. I know, Jeff, if you will recall, I know that we worked on this a lot, particularly in the committee, when we were dealing a lot with the rural cluster, the committee, myself and Mr. Snellings, as I recall at one point we were trying to get to a point where the buildable slope was related to soil type. I remember we spent a lot of time on that as I recall.

Mr. Harvey: Yes, and that had been discussed at the Planning Commission level too. That was probably 2002 maybe, 2003, if I remember correctly. And what was going to be required at that point in time was probably soil borings and everyone felt that that was probably too onerous of a requirement at that point in time.

Mr. Fields: I wouldn't say everybody.

Mr. Harvey: Well, I should say the consensus of the Commission and the Board at that point in time.

Mr. Fields: Yeah. So, permit me to understand this. Most of lot 6 here is obviously on a thirty-five percent slope, so we are going to just grade that and build retaining walls to make it a buildable lot. And is there any type of topographical or geographical/geologic feature that prohibits grading and putting up retaining walls to turn what is, let's say, sensitive or difficult to build on land into buildable land? Do we have any limits? If you can get a grading permit and have enough bulldozers and can build a retaining wall, can you turn anything into buildable area? I guess I was always confused that there might be some limits to that; are there?

Mr. Harvey: Mr. Stepowany, in helping us prepare the information for the Commission, included the provisions dealing with retaining walls.

Mr. Fields: Right, I saw those.

Mr. Harvey: And basically if you can do the geotechnical work to show that the wall can be supported, it's permitted under the State Building Code. From a Zoning Ordinance standpoint, we do have provisions that if you have slopes, I believe, in excess of 2 to 1, you have to provide also geotechnical information; 2 to 1 meaning essentially fifty percent. But if you can show that that slope is stable, then you can continue to proceed.

Mr. Fields: Okay, thank you.

Planning Commission Minutes
February 3, 2010

Mr. Howard: Great. Any other questions? Does anyone feel the need to have the engineer come forward and answer any additional questions since they did provide a resource for us?

Mr. Fields: I wouldn't mind having the engineer; I know I've gotten the answer but I wouldn't mind the engineer maybe helping us again with the slope, just explaining exactly how they negotiate the thirty-five percent slope, what their plan is and how they plan to deal with that.

Mr. Troidl: Good evening. I'm Justin Troidl with Bowman Consulting Group. I guess the question is how are we going to negotiate the slopes?

Mr. Fields: Yes. I assume you are not going to try to build a house on a thirty-five percent slope.

Mr. Troidl: No. If you look at the sheet, well we can look at the slope exhibit, you see there is kind of that little knoll right there and everything else around it is fairly flat. What's going to happen is that knoll basically comes off of this site. So what will happen is you will have trucks out there that will basically take that dirt and move that over to the left side of the site, over where we are building that other road which will provide some of the fill to put that road on grade. So, essentially we are moving it from one spot to another spot.

Mr. Fields: Okay, so you are taking the knoll, shifting it to...

Mr. Troidl: That little depression that runs along the other side.

Mr. Fields: I'm trying to follow where you're at.

Mr. Troidl: Lot 6 and 7, you can see there's a swale that runs right behind those lots and part of getting our tot lot in there, getting our cul-de-sac in there, that will come up to support the road.

Mr. Howard: Lots 7 and 8?

Mr. Troidl: Correct.

Mr. Fields: Alright.

Mr. Howard: But the question was on lot 6 because there seems to be a fairly steep slope coming off the back of that parcel.

Mr. Fields: They're just taking this whole hill right here and just moving it around.

Mr. Howard: So, you're essentially taking the peak of that hill which looks like it could be on lot 5 and smoothing that out?

Mr. Troidl: Correct.

Mr. Howard: And will there be a retaining wall required on the back of lot 6 which I think is the...

Mr. Troidl: On the rear of the lot we don't anticipate any retaining walls.

Planning Commission Minutes
February 3, 2010

Mr. Howard: What would the slope be on that property once it's graded?

Mr. Troidl: What we did on sheet 3 of the plan is we kind of provided the grading within useable open space to demonstrate that we won't have a slope over fifteen percent. And what we anticipate happening is that it will mimic up through the lots so we will essentially obtain around a fifteen percent slope in the back yards which would mimic the useable open space behind it.

Mr. Howard: So, is that house probably going to have a walk-out basement if, in fact, there would be a basement?

Mr. Troidl: It depends. It could essentially, depending on how the gradings are on the road and in the back. But that's a possibility; if not a full walk-out, something in between or partially exposed.

Mr. Howard: Okay. Any other questions for the consultant? No? Thank you very much. Okay, I will bring it back to the Planning Commission and again this is in Mrs. Hazard's geography so I will bring it back to Mrs. Hazard to see what her intentions are with this.

Mrs. Hazard: Well, Mr. Chairman, I would move that the Commission approve the Preliminary Subdivision Plan for Southgate Hills based on its compliance with the preliminary plan that has been submitted and reviewed tonight.

Mr. Mitchell: Second.

Mr. Howard: Moved by Mrs. Hazard. Second by Mr. Mitchell. And that's for subdivision plan 2900164 which is Southgate Hills Subdivision Plan. Any discussion? Mrs. Hazard apparently doesn't want to, so is there any other member who would like to have a discussion? No? Okay, hearing no discussion we will call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. All those opposed signify by saying nay. The motion passes 7-0. Thank you Mr. Stepowany. That brings us to the second item under Unfinished Business which is Hampton Run Preliminary Subdivision Plan which is SUB2500029. Mr. Stepowany?

2. SUB2500029; Hampton Run - Preliminary Subdivision Plan - A preliminary subdivision plan for 40 single family residential lots, zoned R-1, Suburban Residential, consisting of 26.68 acres located at the south end of Brafferton Boulevard, approximately 1,500 feet south of Garrisonville Road on Assessor's Parcels 20-137, 20-144, 20-145, 20-145A, 20-145B, 20-146,

Planning Commission Minutes
February 3, 2010

20-146A and 20F-4-A within the Garrisonville Election District. **(Time Limit: April 15, 2010) (History - Deferred at January 20, 2010 Meeting to February 3, 2010 Meeting)**

Mr. Stepowany: Thank you Mr. Chairman and members of the Planning Commission. Again, this preliminary plan was discussed at the last Planning Commission meeting and was deferred to this meeting. There were a couple questions or suggestions raised by the Planning Commission that the applicant feels they have responded. One was the question about amenities. Staff has been in contact with the applicant and this plan has no plans for any amenities. There was also a request about notification to any potential property owners that the eastern portion of the property may be subject to rezoning or may have been rezoned to a commercial property. Last Wednesday the engineer came by and affixed an additional note on to the signature set of the plan and we made a xerox copy on the back of the staff report. And it's the one in a larger font saying "initial purchasers of lots 31 to 40 will be provided written notice at the time of the execution of the purchase contract for aforesaid lots of any planned, pending or approved application for commercial zoning sought by the Hampton Run developer for the area between Mine Road and the Hampton Run subdivision (at the location identified on the preliminary plan as the "limits of proposed commercial rezoning"). And that note has been placed on all the plans. Again, that was last Wednesday. That's the key because the plans have to be in complete order within five days of tonight's meeting, so that's why we have to note that it was beyond five days that the plan was basically amended. And I will be more than happy to answer any questions. And I know the applicant, Ms. Healy, is here to answer any questions on behalf of the applicant if the Planning Commission wishes.

Mr. Howard: Thank you Mr. Stepowany. Are there any questions of the Planning Commission at this point for staff?

Ms. Kirkman: Yes Mr. Chair. I guess the thing I thought about in terms of the wording of the notification is that it says "initial purchasers" of the lots and often those are... the builders are the first purchasers of the lots and then the house is built and then it is sold to whoever is going to reside there. Is there any way that that word "initial" could be struck and that we can make certain that when people move into those lots, into those houses, whether they are the first, the second or the third purchaser, that they are aware that the undeveloped property directly adjacent to them could be developed as commercial?

Mr. Stepowany: I'll refer that to Ms. Healy.

Ms. Kirkman: Okay. Thank you.

Ms. Healy: Good evening Mr. Commissioner. I understand what you're saying but I think that may be infeasible to expect to be able to notify subsequent purchasers. The point here is for the developer of the subdivision to provide that notice and the developer can provide it in the Deeds that are handed out. But once the property is deeded to a subsequent purchaser, then the developer really is not involved in that title.

Ms. Kirkman: So, this will be done through a Deed mechanism, because then there is some way for the purchase to find out about it when the title search is done.

Ms. Healy: What I'm saying is once the property is purchased, then the developer is not involved in it after that, once they convey the Deed.

Planning Commission Minutes
February 3, 2010

Ms. Kirkman: Right. That's my concern if it gets conveyed to someone other than...

Ms. Healy: Well, I'm not sure how the developer would even know that the property was being sold. Sometimes lots are sold multiple times, even in a short period of time. Sometimes it's a lot farther apart. But I just don't see how administratively it would be feasible for the developer to have control over that once the developer passes the property along. Now, we were requested to put this notice at the time the contract was signed so that the initial purchaser would be aware at the time the contract was signed of any plans for development.

Ms. Kirkman: Is there some way this could be incorporated into the Deeds?

Ms. Healy: I think that it would be very difficult for someone to administer that. What you're talking about is the plans of the developer for this area. I just don't see how it could be enforced or administered. This is a good faith effort to address the Commission's concerns about the purchasers of the lots being aware of any plans for commercial activity on this property. So there is no intent not to make them aware of it, but I would not want to agree to something that maybe outside the developer's control and would not really be enforceable or able to meet what you are planning. Now, of course, anyone can always contact the Planning Department or the County to find out what's going on with activities, which is what anyone in the area would do. But this is something that is within the developer's control that he would let people know at the time the contract is sold if there were any plans.

Ms. Kirkman: Okay. I'm just trying to avert future problems. Thank you.

Mr. Howard: That's a good question and I think it was a good answer. What are the parcels along Mine Road zoned today that the developer is proposing to be commercial?

Ms. Healy: I believe they are zoned R-1, Mr. Stepowany told me.

Mr. Howard: Thank you.

Ms. Healy: And those parcels are, I understand from the engineer, at least 200 feet approximately from the closest...

Mr. Howard: Yes, there is a significant buffer there. Actually it's a very natural... I've walked that property, probably trespassing, I shouldn't say that, with my children, but there is a pretty significant amount of buffer, as I recall anyway; almost a natural buffer with some grading issues there as well.

Ms. Healy: That's how it was described to me. It was a natural divide.

Mr. Howard: Yeah, it really is. But the obvious concern is that people purchasing should know they are purchasing near land that the developer has the intent to develop commercially. So, I think that is Ms. Kirkman's concern, which is a good concern. Any other questions? Okay, hearing none. Mr. Rhodes, *this* one I am pretty sure is in your geography.

Mr. Rhodes: Yes it is. Thank you Mr. Chairman. I do appreciate the efforts of the applicant to respond and I think they were great questions and great issues based on the experiences of the Planning Commission over the past couple years to highlight this one potential and head off this one potential of

Planning Commission Minutes
February 3, 2010

a problem. Having had that modification made, I would recommend approval of the Preliminary Subdivision Plan for Hampton Run, SUB2500029.

Mr. Mitchell: Second.

Mr. Howard: Motion by Mr. Rhodes to approve Hampton Run Preliminary Subdivision Plan SUB2500029; second by Mr. Mitchell. Was there any discussion? Hearing none, we will call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. All those opposed please signify by saying nay. The motion passes 7-0. Thank you Mr. Stepowany. Thank you Ms. Healy.

Ms. Healy: Thank you.

3. Reservoir Protection Overlay District (**Time Limit: January 29, 2010**) (**Deferred to May 19, 2010**)
4. Groundwater Management Ordinance (**Deferred to March 3, 2010**)
5. Amendments to the Comprehensive Plan (**Time Limit: June 1, 2010**) (**In Comp Plan Committee**)
6. Elimination of the Preliminary Subdivision Plan Process (**Deferred for legal analysis**)
7. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission) (Request sent to Board of Supervisors for indefinite postponement)

Mr. Howard: And the next item on the agenda has been deferred, which is 3. And 4 was deferred. The Comprehensive Plan is being worked on and we will get into committee notes from that later on. And then item 6 is also deferred, as well as 7. That brings us to...

Mr. Rhodes: We have to wait till 7:30.

Mr. Howard: Well, we can get into New Business, and I think Mr. Harvey has some new information. So, what I'd like to do actually, if the Commission agrees, is go to Mr. Harvey's Director's Report

Planning Commission Minutes
February 3, 2010

because I believe that is going to introduce some new business to us this evening as well. Mr. Harvey. Do I have the indulgence of the Planning Commission? Okay, thank you.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thanks again. We had a joint public scheduled with the Board of Supervisors for the 16th dealing with the proposed zoning text amendment to allow laboratory research and testing in the A-1 Agricultural District and a Conditional Use Permit for that use at Hartwood Airport. Yesterday, the Board considered the Planning Commission's recommendation to come up with a more narrower definition of what this potential use could be. They had an add-on to the agenda so staff quickly developed a proposed ordinance and it is include in your hand-outs here, Proposed Ordinance O10-12. We defined test lane facility and also listed it as a use permitted by Conditional Use Permit. The Board considered that and, due to advertising constraints, has pushed back the public hearing to March 2nd. So it will be a joint public hearing with the Board on March 2nd. Also, the Board authorized and forwarded another ordinance to the Planning Commission for a joint public hearing dealing with membership of the Board of Zoning Appeals. In particular, they felt it was important to take a look at allowing alternate members to the Board of Zoning Appeals where an alternate member could vote if there is an absence from the regular member or if there was a regular member abstaining from an issue. This is mainly dealing with the concern that under State Code, for Board of Zoning Appeals, you have to have a... Mrs. Roberts, correct me if I get the wrong term... is it super majority or is it just a specific majority of a certain number of members?

Mrs. Roberts: In the BZA?

Mr. Harvey: Yes.

Ms. Kirkman: Mr. Chair, as a former BZA member, I can answer that.

Mr. Howard: That would be great, thank you.

Ms. Kirkman: There is no requirement for a particular super majority. I think you only need to have four members present.

Mr. Harvey: I know there is some voting restriction that the Board is concerned about, so that is why they are boarding this amendment for public hearing. Again, that would also be part of a joint hearing for March 2nd. So we would have essentially three joint hearings; one for the zoning text amendment for the test lane facility and allowing it in the A-1 zone by Conditional Use Permit; two the Conditional Use Permit for the Hartwood Airport project, and then also this third zoning text amendment for the Board of Zoning Appeals membership.

Mr. Howard: So, that will be an interesting night, a fun night.

Mr. Harvey: Yes.

Mr. Howard: We have a meeting scheduled on the 3rd as well, right?

Mr. Harvey: That is correct. And Mr. Chairman, staff would request that the Commission consider motions about your willingness to participate in the joint hearing for all three issues.

Planning Commission Minutes
February 3, 2010

Mr. Howard: Each one separately?

Mrs. Roberts: Well, actually your by-laws calls for any meeting change that's other than the ordinary, it's a vote by majority. So as long as you vote to have a meeting to consider those, they don't have to be separate resolutions or motions.

Mr. Howard: Thank you Mrs. Roberts.

Mr. Hirons: Mr. Chairman or the attorney's office, do we need to do the same to have the meeting on the 15th? Whatever day it was... the 16th I guess. I think we had taken a vote to have the joint meeting with the Board of Supervisors on the 16th.

Mr. Howard: Right, we would have to vote to cancel that obviously.

Ms. Kirkman: Mr. Chair, we already did vote to cancel it.

Mr. Rhodes: No, we cancelled the 17th.

Mr. Howard: We cancelled the 17th.

Mr. Rhodes: Right now we are scheduled for the 16th for the joint public hearing...

Mr. Fields: Technically we have to vote to remove that from our...

Ms. Kirkman: I don't think we listed it as a meeting, did we? It's not on our meeting calendar.

Mr. Howard: I thought it was on the website actually. Is it on the website Mr. Harvey?

Mr. Harvey: I don't believe so, but it's not part of your regular meeting calendar. There was a consideration for a special meeting for that.

Mr. Howard: Well, we probably just, for the sake of housekeeping, might want to just vote to remove that from the calendar and then have someone make a motion to add March 2nd to the meeting calendar for the Planning Commission.

Ms. Kirkman: Mr. Chair, I had a question about the Board resolution regarding the BZA. What's the origin of that? Why is it coming up at this time?

Mr. Harvey: I don't know the specifics as to why it's come up at this point in time.

Ms. Kirkman: Do you know did the BZA request it? Because, as I recall, when I was on the Board, we had discussed this and felt there were a lot of issues with having three alternates having to sit through numerous meetings when they may not participate. So, that's my first question is what the thinking is about why do this now? And, then, I guess my second question is what's the urgency that we have to step outside of our normal process of it first going to the Planning Commission and then going to the Board? Why was it considered so urgent that we needed to do a joint public hearing?

Mr. Harvey: Ms. Kirkman, Mr. Chairman, I don't know the details for the background other than I'm not aware of the Board of Zoning Appeals specifically requesting this as a body.

Planning Commission Minutes
February 3, 2010

Mr. Howard: My understanding, and I'm not positive on the majority but it's either two-thirds majority or I guess there have been issues in the past twelve months where there were not enough members present to vote and hold hearings or to come to conclusions or decisions that were official by the BZA. And I think the Board was looking to prevent that from occurring, moving forward. And the reason for the joint public hearing, the Board felt that after hearing and listening to Mr. Harvey explain our concerns about the airport and the definition of laboratory, that we certainly didn't want any unintended consequences in the County, that that made sense so they are trying to lump the three initiatives together really to save money. To combine the two groups together saves money and gives these citizens one time to come out, talk about all three issues and we're all there as a group hearing the same issues.

Ms. Kirkman: So, Mr. Chair, does that mean all our public hearings in the future are going to be joint public hearings in order to save money?

Mr. Howard: I don't have an answer for that. I don't think so. We've had public hearings this year already independent of the Board.

Ms. Kirkman: I understand the urgency around the Hartwood Airport issue; it's unclear...

Mr. Howard: I think we're just trying to be as productive as possible with the time that is allocated. That's my understanding. So, I don't think there is anything else to it than that. So, do we have a motion to cancel the meeting on the 16th?

Mr. Mitchell: Motion to cancel, Mr. Chairman.

Mr. Rhodes: Second.

Mr. Mitchell: Motion to cancel that meeting, Mr. Chairman.

Mr. Rhodes: And second again.

Mr. Howard: Second by Mr. Rhodes. Any discussion? Hearing no one signaling for discussion, we will bring it to a vote. All those in favor of cancelling the joint meeting with the Board of Supervisors for February 16th signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Planning Commission Minutes
February 3, 2010

Mr. Howard: Aye. All those opposed nay. The motion passes 7-0. Do we have a motion that would support participating in the three public hearings for a joint meeting on I guess it's March 2nd?

Mr. Rhodes: Mr. Chair, I make a motion that we hold a special meeting on March 2nd to allow us to participate in the joint public hearing with the Board of Supervisors.

Mr. Mitchell: Second.

Mr. Howard: A motion has been made by Mr. Rhodes, second by Mr. Mitchell. Is there any discussion?

Mr. Fields: I would just like to note that we can't accommodate everybody. I have an ongoing performance schedule on every Tuesday that prohibits me from ever attending a joint public session held on a Tuesday with the Board of Supervisors. So I would just ask their indulgence to not do that too many times unless they would just prefer I not be there.

Mr. Howard: I'm pretty sure they don't know your music schedule. That's a good point.

Mr. Fields: I just want to make it for the record, I am vitally interested and very disappointed that I don't get to vote on three very significant pieces of legislation.

Mr. Howard: Thank you; duly noted. Any other discussion?

Mrs. Hazard: Mr. Chair, I would just like to say, with regard to the modification of the airport ordinance, I want to sort of commend staff that taking in what our comments were that it appears to be much more narrowly tailored to the issues that I would certainly feel better when talking to the residents if there were some concern. And I just thank you. I know you had to pull it together quickly but I do appreciate your work on that.

Mr. Howard: Great, thank you. I would agree.

Ms. Kirkman: Mr. Chair, I would like us to vote separately on the joint public hearing on the CUP and the text amendment; vote on that separately from the BZA.

Mr. Howard: So, you want to make a friendly amendment to Mr. Rhodes' motion?

Mr. Fields: Actually, I thought I got from Mrs. Roberts that we actually needed three motions, but I may be wrong.

Mr. Howard: That was opposite.

Mrs. Roberts: No, actually you just needed a motion for a special meeting. But now you are going to have, I am assuming two, one for the CUP and the text amendment and then one for the BZA?

Ms. Kirkman: That's correct. That's my request.

Mr. Howard: Ms. Kirkman is making a friendly amendment to the motion, I think, at this point.

Planning Commission Minutes
February 3, 2010

Mr. Rhodes: Mr. Chairman, I would like to modify my motion to first just address the topic of the CUP dealing with the airport that crosses the County line and the issue of the...

Mr. Howard: So, you are accepting the friendly...?

Mr. Rhodes: Yes.

Mr. Howard: Great. Does the seconder accept it?

Mr. Mitchell: I accept it also.

Mr. Howard: Great. So the only motion we will vote on first is the agreeing to have a joint public hearing on the proposed ordinance O10-01 which was the Hartwood Airport... did I get the wrong number?

Mr. Harvey: Yes sir. It's O10-12.

Mr. Howard: O10-12, thank you. Which is the Hartwood Airport Laboratory...

Mr. Harvey: It is the test lane facility definition and allowing it by CUP in A-1.

Mr. Howard: Great. Any further discussion? Okay, we will call to a vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. All those opposed say nay. The motion carries 7-0.

Mr. Rhodes: Mr. Chairman, if I might just to confirm, what were the other public hearings that were... I'm just trying to get my orientation here on this form so I have the right referencing.

Mr. Harvey: Mr. Chairman, there would also be a public hearing for a Conditional Use Permit, CUP2900339 for a Test Lane Facility at the Hartwood Airport.

Mr. Rhodes: Okay. And then there would be a third on the Board of Zoning Appeals? And what is the reference to the Board of Zoning Appeals?

Mr. Harvey: The Board of Zoning Appeals is for proposed Ordinance O10-11.

*Planning Commission Minutes
February 3, 2010*

Mr. Rhodes: Mr. Chairman, I make a motion to have a special meeting on the 2nd of March to join with the Board of Supervisors in a joint public hearing for application CUP2900339.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Seconded. Any discussion? Call to a vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed please say nay. The motion carries 7-0.

Mr. Rhodes: Mr. Chairman, I make a motion to have a special meeting on March 2nd to join with the Board of Supervisors in a joint public hearing associated with proposed Ordinance O10-11.

Mr. Mitchell: I second Mr. Rhodes' motion.

Mr. Howard: Any discussion? Ms. Kirkman.

Ms. Kirkman: I am going to oppose the motion to approve the joint public hearing for the BZA matter. There is no compelling reason. Unlike other instances where we have held joint public hearings with the Board either because there was an urgency about the application or, for instance, with the Comprehensive Plan where the advertising costs really are substantial. In this instance, the advertising costs are minimal because it does not require any notification of individual property owners and there is no pressing time limit on this. So, I do not think we should be going outside of our regular process and that's why I am going to be opposing the motion.

Mr. Howard: Thank you Ms. Kirkman.

Mr. Fields: Mr. Chairman, I agree with Ms. Kirkman. I understand the nature of the expediency and costs and I certainly appreciate and respect that. But I think as we have seen on some previous issues last year, I think many members of the public expressed a lot of disconcert that they weren't able to have their two bites of the apple, so to speak. And I think, because of the nature of the Planning Commission, how we look at issues varies with the Board of Supervisors, their mandate and how they look at issues, the opportunity of addressing each and having each consider them in turn, that's why it's generally codified that way, and it generally I think ultimately yields a more, though a slightly more time consuming, perhaps slightly more costly, generally a more thorough and democratic

Planning Commission Minutes
February 3, 2010

process. So, I respect their desire to get things done quickly and efficiently. In this case, I don't think it's the best course of action.

Mr. Howard: Thank you Mr. Fields. Mr. Rhodes?

Mr. Rhodes: While I will be supporting the motion I made, I actually respect and agree with much of what Ms. Kirkman and Mr. Fields just stated. I made the motion and supporting it with the expectation understanding that it truly is an effort to take advantage of an opportunity to save some funds, albeit just one more newspaper ad, but to reduce a little bit of cost during a very extreme time. I would hope that this is not the norm for the course of business. We do conduct our business I think better in a more deliberate fashion. But since the opportunity does present itself, they are trying to consolidate these, I think we should try to help... I am willing to try and help facilitate it for that reason. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes.

Mr. Hirons: Mr. Chairman, if I could, could we ask staff what would the advertisement for this cost if we had to advertise it just for the Planning Commission... roughly.

Mr. Harvey: Typically, an advertisement like that would be close to \$400 if it was a single ad. Often times we have multiple ads so we can get some savings that way, because you have required headers and footers that have to be part of the advertisement.

Mr. Hirons: Thank you. I just want to state that I will be supporting this as well. I think it is a good opportunity for us to work with the Board of Supervisors. It seems like a fairly straightforward, fairly simple issue that gives us the opportunity to work with them and present an opportunity to save the County a little bit of money.

Mr. Howard: Thank you Mr. Hirons. Any other comments? I will just add that I don't believe it's the intent of the Board, I don't know clearly and I can't read minds, but I don't believe it's the intent of the Board to prevent the Planning Commission from holding any public hearings. Clearly we don't have any money in the Planning Commission to hold public hearings. We gave them an expected number of dollars that would be required based on the previous history of the Planning Commission and what typically would take place over a period of time, which is the remainder of the fiscal year. So, we don't have any money to advertise. Four hundred dollars is \$400 saved and is \$400 we don't have. I believe that that is clearly the intent of the Board of Supervisors at this moment is to consolidate those three meetings because we can. There were other pressing issues and this was one of them. I believe that there is a two-thirds majority required for the BZA and they have not been able to fulfill that; for whatever reason, I'm not sure. And I think their intent on looking at alternates is to allow that part of the County's business to continue moving forward without any issues. And that is the reason to hold a hearing, to allow people to come and express views on both sides of that. So, I will be supporting the motion as well.

Ms. Kirkman: Mr. Chair, I do need to add one correction though. There is not a requirement for two-thirds majority to be present.

Mr. Howard: I'm not sure that that's accurate, Ms. Kirkman, but thank you for that clarification.

Ms. Kirkman: Perhaps our County Attorney could help us with that because it's right in the statute.

Planning Commission Minutes
February 3, 2010

Mrs. Roberts: Well, unfortunately, I have the statutes but I do not have their by-laws. So, it is possible they put it in their by-laws so I wouldn't be able to answer that tonight. But I could certainly look.

Ms. Kirkman: If you would, that would be great.

Mrs. Roberts: Sure.

Mr. Howard: And then we will have that information for the public hearing. That would be great. Okay, we will call to a vote. All those in favor of supporting Mr. Rhodes' motion to have the joint public hearing with the Board of Supervisors on the BZA issue before us signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. All those opposed signify by saying nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The vote passes 5-2. Stacie, did you catch the vote?

Mrs. Stinnette: Yes I did.

Mr. Howard: Thank you. Great, that was easy. I do want to compliment Stacie also. I thought she did a great job on the Executive Summary. That was helpful to me, in the package, and it was concise right to the point, carried over what I would call the salient issues for us that we needed to remind ourselves about today's meeting.

Mr. Rhodes: Yea Stacie!

Mr. Howard: Well done, thank you.

Ms. Kirkman: Mr. Chair, I also found the summary helpful although there was at least one motion that was not recorded in the summary and it would be helpful if some kind of system were set up so that all the motions that are entertained by the Commission make it into it; that would be helpful.

Mr. Howard: I think the goal, and I appreciate that comment Ms. Kirkman, the goal is actually just to actually carry over the information that is pertinent to the next meeting, because the rest of that gets captured in the minutes. We're not changing the format of the minutes; this was really I think in an effort to kind of expedite the issues that pertain to the following meeting that we would all want to remind ourselves of.

***Planning Commission Minutes
February 3, 2010***

Ms. Kirkman: Except the problem is that we've set our goal to have our minutes within sixty days...

Mr. Howard: Sixty days, that's right.

Ms. Kirkman: And so even if something doesn't come up at the immediate next meeting, it may come up within the next sixty days. And we really don't entertain that many motions so hopefully... if it's a motion to adjourn obviously we don't need those recorded.

Mr. Howard: We've had about six motions today.

Ms. Kirkman: But motions around substantive issues, I hope attention can be paid to including all of those.

Mr. Howard: Thank you.

Mr. Rhodes: Mr. Chairman, if I could just ask the Planning Director just to confirm the time of the public hearing. Is that seven o'clock? Just to confirm, on the 2nd.

Mr. Harvey: Yes sir.

Mr. Rhodes: Thank you. Thank you Mr. Chairman.

NEW BUSINESS

None

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Howard: Thank *you* Mr. Rhodes; that was a great question actually. Mr. Harvey, you can continue with your Planning Director's Report. Oh, actually we should stop for the public hearing. Thank you for glancing at the clock to remind me. So we will now open up the auditorium for the public hearing. Actually, for those of you watching at home, I think there might be four people at home, there are no people in the chambers. So, we will open the public presentations at 7:30. Anyone wishing to speak may come forward. Obviously there is no one here so we can close the public presentations and then continue with the Planning Director's Report.

PUBLIC HEARINGS

None

PLANNING DIRECTOR'S REPORT – Continued

Mr. Harvey: Thank you Mr. Chairman. The Board took some additional actions yesterday that the Commission may find of interest. The adopted a resolution to allow staff to enter into an agreement with VDOT regarding consulting services for defining an Urban Development Area, as well as helping

Planning Commission Minutes
February 3, 2010

us develop ordinances so we can implement that Urban Development Area. That is a program that VDOT has. Stafford competed for grant funds and we were allocated up to \$225,000 with consulting services. It's not a contract that we will administer; VDOT will administer it. Basically, time gets charged to the consultant based on the amount of work that we ask them to do. That will be something we will be getting into more as we get into discussions about the Comp Plan and Urban Development Areas and what are the implementation strategies. If we do use the consulting services, we are bound to implement a UDA as well as implement ordinances to effectuate the UDA. If we don't, then the County would be responsible for reimbursing VDOT for the cost of the consulting services. VDOT has identified four different consulting firms. We will find out more details once we get the final agreement from VDOT, which should be here within any day. And then we will get working with them on some timelines and get back to the Commission with more specifics. Also, the Board referred the Boswell's Corner and Courthouse Redevelopment Areas to the Commission for their consideration, whether they should be incorporated into the Comprehensive Plan. The Board held onto Southern Gateway and Falmouth for thirty days to further discuss the disposition of those redevelopment areas and further direction to the Commission. If the Commission so desires, we will have Mr. Johnson come back in and give more detailed briefings on the Courthouse and Boswell's Corner areas. I know we have two Commissioners that didn't have the benefit of previous briefings but, with time allowed now, maybe we can get into more detail than we had in previous briefings. So, if the Commission directs me, I will go with that.

Mr. Howard: I think it would be a great idea, even just from a refresh perspective for the incumbents.

Mr. Harvey: Would you like that on your March 3rd meeting?

Mr. Howard: Let's pencil it in for that; that would be great.

Mr. Harvey: Okay. Also, tentatively, we have a Technical Review Committee meeting scheduled for February 24th so if we have a Commissioner who is interested in attending that meeting...

Mr. Rhodes: I'm there. I'm already on the list.

Mr. Harvey: Great.

Mr. Howard: Mr. Rhodes has volunteered for that. Thank you Mr. Rhodes. Mr. Harvey, was there also some discussion on a subcommittee of the Board?

Mr. Harvey: Yes, Mr. Chairman, there was. The Board established the subcommittee to work with the Planning Commission subcommittee on the Comprehensive Plan

Mr. Howard: Did they say Comprehensive Plan or were they specifically talking about I guess it would be the RDA and also possibly the Urban Service Area as well?

Mr. Harvey: I believe that was all part of the discussion.

Mr. Howard: Okay. The reason I ask is I was under the impression that we would separate some of the land use issues and have that Board of Supervisors committee meet with the Planning Commission committee separate from the committee that we put together to kind of tackle that while the other committee continues kind of full speed ahead with the other elements of the Comp Plan..

Planning Commission Minutes
February 3, 2010

Mr. Harvey: That would be the pleasure of the Board committee and the Planning Commission's committee on how you want to proceed.

Mr. Howard: Right. Thank you.

Mr. Harvey: Also, just a note that the next Comprehensive Plan meeting of the Planning Commission is scheduled for February 11th at 6:00 p.m. in Conference Room ABC. They will continue to meet every Thursday as a regularly scheduled meeting. We will publish that schedule for you and have a copy for you at your next meeting. All the meetings will take place in Conference Room ABC except for one meeting on February 18th. That is going to be in the Activities Room which is in the ground floor or the basement area of this building.

Mr. Howard: Is that the committee that the Board's committee plans on sitting in on? Was that defined well enough?

Mr. Harvey: That's the committee that you currently have established for review of the Comprehensive Plan. And that concludes my report.

Mr. Howard: Thank you Mr. Harvey. I would like to appoint a second committee to focus on more of the land use elements and dimensions within the Comp Plan to take that off the table, hoping that two groups working at the same time can work at an accelerated rate. And I would like to appoint Mr. Fields to that committee, Mr. Hirons and actually myself to that land use committee, if those three are in agreement with that.

Mr. Fields: That's fine.

Mr. Howard: And this is the committee that would work with the Board, for clarification.

Mr. Fields: On the UDA and RDA and some of those things. Sounds good.

Mr. Howard: Okay. So then we have to get back and understand the meeting arrangements on that.

Ms. Kirkman: Mr. Chair, I have a question or maybe some clarification from the Planning Director. Mr. Harvey, the memo we got tonight regarding proposed ordinance O10-01, this is the Hartwood CUP and the text amendment, is quite lengthy and you had sent something out Monday. I know I received it and I think other members of the Planning Commission or at least Mr. Howard received it, and that only had the first two paragraphs on it. So, I don't know if you are aware that that full memo did not get distributed.

Mr. Harvey: I apologize. I will send that email to the full Commission.

Ms. Kirkman: I'm saying in the attachment you only had the first two paragraphs of this memo, you did not have the rest of the memo or the proposed various different ordinances.

Mr. Harvey: Yes, there were two memos. I did an initial memo last week to the County Administrator expressing the Commission's concerns based on the last meeting, which was dated the 28th. And then we had the subsequent memo dated February 2nd.

Ms. Kirkman: Okay, that's helpful. Thank you.

Planning Commission Minutes
February 3, 2010

Mr. Howard: There is only one member of staff here, but I was going to throw this out before we get into the other... because it's sort of in the New Business piece but maybe not really. The Groundwater Management Ordinance, which is the Draper Aden Report that you provided, thank you for doing that. And I'm not sure if anyone is here tonight that could actually give a high level overview, which is fine, but it's here to read. But if there is anything that I guess staff would want us to understand or focus on really so we have full comprehension of this, directly I think that would be a positive.

Mr. Harvey: Mr. Chairman, we had scheduled to bring back a draft ordinance on the 3rd of March. Would you like us to do that in concert with an overview of the plan?

Mr. Howard: Yes, that would be great. Okay, we can move into the County Attorney's Report. Mrs. Roberts, nothing to add?

COUNTY ATTORNEY'S REPORT

Mrs. Roberts: No.

Mr. Howard: Okay, thank you. Committee Reports?

COMMITTEE REPORTS

Mrs. Hazard: Mr. Chairman, we started on Monday night going through initially line by line of the Comprehensive Plan. We touched on really the beginning areas, awaiting guidance from the Board on whether we want to pull out other pieces or not. And, was mentioned by the County Attorney, we will be resuming meetings every week on Thursday evenings at six o'clock.

Mr. Howard: Great, thank you. Are there any questions of any Planning Commission member of that particular committee, while we are here together? No? Great. Chairman's Report.

CHAIRMAN'S REPORT

Mr. Howard: I have nothing to report today other than what we have already discussed. Oh, I'm sorry... Mr. Mitchell, I'm supposed to ask you. Do you have a report?

Mr. Mitchell: Actually, they took it off but I'll be okay. I'm tough.

Mr. Howard: Do you have anything to report?

Mr. Mitchell: I can suffer through these things. I did have an issue. In our last meeting, I read this synopsis, which is wonderful, and I like it to, but I was reading some of the information and, help my memory, but I was thinking that Mr. Hirons had expressed a desire to be on the Parks and Rec Commission. And they had listed me as primary and his as secondary, but my remembrance of the meeting was Mr. Hirons would be the primary. I did serve on it four years and, in all fairness to Mr. Hirons...

Mr. Hirons: Yeah, I thought that's what we agreed to as well. I open to either way. But I would enjoy serving that.

Planning Commission Minutes
February 3, 2010

Mr. Mitchell: I yield to my colleague. I did four years and I think it's a good experience for everybody.

Mr. Howard: I appreciate you pointing that out. Mr. Harvey, can we have that corrected?

Mr. Harvey: Yes sir.

Mr. Howard: Thank you.

OTHER BUSINESS

Ms. Kirkman: Mr. Chair, I have a question for Mr. Harvey. Mr. Harvey, at some point, could you remind me, the Planning Commission requested that the ordinance for clustering in agricultural zoning districts be withdrawn or... I can't remember the language we used... or permanently tabled or something like that. Can you remind me what has happened with that Board action?

Mr. Harvey: I prepared a memo and sent it to the County Administrator explaining the Commissions' position on the ordinance. It has not been brought back up on any Board agenda.

Ms. Kirkman: When I brought this up at the last meeting, because I think we did that at the first meeting in January or the last meeting in December, I thought we were told it was going to be on this past Board meeting agenda.

Mr. Harvey: The direction I guess the Board had given the Commission was to report back at the end of January for potentially their second meeting. And we have communicated that but it did not get placed on the Board's agenda.

Mr. Howard: So I guess what we should do is send another reminder maybe to Mr. Romanello to say we would like the Board... I guess what we're asking for is what would the Board like us to do with this.

Mr. Harvey: I can talk to Mr. Romanello to see when the Board Chairman wants to place it on the Board agenda for discussion.

Mr. Howard: Thank you.

Ms. Kirkman: And perhaps you could refer back to the, well, I guess it would have to be the DVD regarding the exact wording of the resolution that was passed by the Planning Commission. Thank you.

Mr. Howard: Thank you. This could be a record.

Mr. Rhodes: Mr. Chairman, I don't want to set that record so if the other members would indulge me for just a moment. I think our two new Planning Commission members had the opportunity to meet with Mike Zuraf the other evening. You see that the County has a tremendous asset there. While this was a limited agenda for the evening and we had the privilege and pleasure of just Mr. Stepowany presenting tonight, he too is representative of just a tremendous staff. But I just gotta tell you... it stands out to me as I listen to the different questions that come out of the blue that we somehow can create in our minds to throw at our Planning Director and the way he just provides tremendous

Planning Commission Minutes
February 3, 2010

responses and great information and great perspective. I think this County is blessed with a great staff in general but a tremendous asset in the Planning Director as well. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes; I appreciate those comments. On a similar vein, I guess I could have brought this up in the Chairman's Report, Mr. Harvey and I had a discussion several weeks ago and, while we don't get together for dinner anymore, which I think is unfortunate to a certain extent because it was a good time just to get to know your fellow Commissioners about who they are personally and I actually enjoyed that quite a bit, the staff, and most of them were ladies, but the staff who helped facilitate those dinners certainly I think they were reimbursed for the food but they did all the cooking and things themselves. And we did talk and I understand the will of the Commission, but we did want to give them some recognition in a more formal way for doing that. It was almost the entire year. It certainly saved the County money. I mean, we're doing this a little bit differently which is saving even more money to a certain extent, but they didn't have to do that. And they treated us very well. It was almost as if they had invited us into their home and it was done very respectfully and done with a lot of passion and pride.

Mr. Fields: I think we should give them a proclamation would be great. We should do that because that was above and beyond; those were some incredibly great dinners and just an incredible amount of work that I really, really respected a great deal. And I was very thankful for. A public recognition of that kind of above and beyond effort on the part of staff I think would be wonderful.

Ms. Kirkman: I agree, and maybe we should cook them dinner.

Mr. Fields: Better than a proclamation, the more appropriate think would be for *us* to cook *them* dinner.

Mr. Rhodes: Actually... well, not necessarily official business, I think maybe we could all get together offline, I think there are about three folks or so involved, we could chip in some money, get some in addition to a proclamation and more meaningful is actually buying them dinner. Get some gift certificates.

Mr. Fields: That's a great idea.

Mr. Howard: Great. And I think we have... I don't know if it's a record...

Mr. Hirons: I want to extend it too. Can I get some clarification on our upcoming schedule? We will be meeting now on the 17th?

Mr. Howard: No. That meeting was cancelled.

Mr. Hirons: The 2nd will be our joint meeting. Will there be a meeting on the 3rd?

Mr. Howard: Yes.

Mr. Hirons: Okay.

Ms. Kirkman: We already have a public hearing scheduled for the 3rd.

Planning Commission Minutes
February 3, 2010

Mr. Howard: Right, I think it would be very difficult to... as we go on in the year, there will be a lot more that comes on our agenda. So, to not have another meeting in March... to not have two is probably not the right thing.

Ms. Kirkman: Although I would request of the Chair that given that we will be meeting the previous night as well, perhaps we could limit the non-public hearing items on the meeting on the 3rd.

Mr. Howard: Very good. Okay, are there any other issues? Any other business? No? Anybody want to move for approval of the minutes? Are there any minutes?

Mr. Fields: I don't think we have any.

Mr. Howard: No minutes? We don't have to do that so the meeting is now adjourned. Thank you.

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:46 p.m.

Gordon Howard, Chairman
Planning Commission